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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/769,425 | 01/30/2004 | Melora Zaner | MSI-1911US | 8017 |
| 22801 | 7590 | 11/12/2008 | | |
| LEE & HAYES PLLC 601 W Riverside Avenue Suite 1400 SPOKANE, WA 99201 | | | EXAMINER HUSSAIN, TAUQIR | |
| | | | ART UNIT 2452 | PAPER NUMBER |
| | | | MAIL DATE 11/12/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/769,425

Applicant(s)

ZANER ET AL.

Examiner

TAUQIR HUSSAIN

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD/IC)
- Paper No(s)/Mail Date 03/15/2004, 01/30/04, 04/02/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-39 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-15 are rejected under 35 U.S.C 101 because claim language does not tie with any computer hardware component. Further the limitations as described in the claim can be performed via software module which essentially is software programs. As such claims are directed to software per se which is non-functional descriptive material and non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15, 20-34 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (Patent No.: US 5793365), hereinafter "Tang" in view of Lee et al. (Patent No.: US 7330845 B2), hereinafter "Lee".
6. As to claim 1, 20, 23, 30 and 32, Tang discloses, a group identification area configured to display visual representations of a plurality of online social groups in which the first user is a member (Tang, Fig.1A, Fig.5, Col.4, lines 66-67, where distributed

group are displayed on user interface and user is a member of the group) wherein the visual representations of online social groups are automatically arranged by at least one of a geographic location associated with a member of one of the online social groups (Tang, Fig.9, Col.10, lines 55-60, where chat room directory has a listing of groups along with geographic location), a date and time of a most recent communication between the first user and another member of one of the online social groups (Tang, Fig.4 and Fig.9, Col.10, lines 67 and Col.11, lines 1-3, where date and new information since last visited are some criteria among others are disclosed).

Tang discloses the concept of monitoring other users interaction by frequently updating activities (Tang, Abstract), Tang however is silent on disclosing explicitly a frequency of communication between the first user and another member of one of the online social groups.

Lee however discloses the concept of monitoring the frequency of communication between the first user and another member of one of the online social groups (Lee, Col.4, lines 15-20, where user interaction filter is used and well known in the art to keep track of user interaction or how frequently user visits the certain object).

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang with the teachings of Lee in order to system for social visualization that permits determining common as well as complementary interests among a plurality of users having more than one interest and to provide an environment that permits users (a) to be aware of other people, their

activities and social interactions and (b) to explore and learn about other people's activities and social interactions to determine common or complementary interests.

7. As to claim 2, Tang and Lee disclose the invention substantially as in parent claim 1 above, including, wherein a selected group is represented by one of the visual representations (Tang, Fig.1A, Abstract, where user's workgroups are visually represented), the graphical user interface further comprising a group details area configured to display a group name associated with the selected group (Tang, Fig.1A, 1B, Abstract, where workgroup means the description of group is listed).

8. As to claim 3, Tang and Lee disclose the invention substantially as in parent claim 1 above, wherein the visual representations of online social groups are filtered, at least in part, based on geographical location information associated with one or more members of the online social groups (Tang, Col.2, lines 20-25, where concept of filtering users by physically same location is disclosed).

9. As to claim 4, Tang and Lee disclose the invention substantially as in parent claim 1 above, including, wherein the visual representations of online social groups are filtered, at least in part, based on frequency of communication between the first user and one or more members of the online social groups (Lee, Col.4, lines 15-20, where user interaction filter is used and well known in the art to keep track of user interaction or how frequently user visits the certain object).

10. As to claim 5, is rejected under for same rationale as applied to claims 2-4 above as filtering is applied to all these claims and can be customize according to preference.

11. As to claim 6, Tang and Lee disclose the invention substantially as in parent claim 1 above, further comprising a personal representation area configured to display a configurable avatar associated with the first user (Tang, Col.3, lines 63-65, where displayed icons are equivalent to avatar).

12. As to claim 7, Tang and Lee disclose the invention substantially as in parent claim 6 above, including, wherein the avatar comprises a visual representation of the first user that is displayed to other online members of online social groups to which the user belongs (Tang, Fig.28a-e, where icons are showed to transitional effects).

13. As to claim 8, Tang and Lee disclose the invention substantially as in parent claim 6 above, including, wherein the avatar comprises a visual representation of the first user that is displayed to other online individuals with which the first user has a relationship (Tang, Fig.2, icon 17, Col.5, lines 1-10, which describes and displays the information about the user).

14. As to claims 9 and 10 are rejected under for same rationale as applied to claim 7 and 8 above.

15. As to claim 11, Tang and Lee disclose the invention substantially as in parent claim 6 above, including, wherein the personal representation area is further configured

to display a username associated with the first user (Tang, Fig.1B, where Trevor Morris is the username associated with the first user).

16. As to claim 12, Tang and Lee disclose the invention substantially as in parent claim 1 above, including, further comprising a group details area configured to display data associated with a selected one of the plurality of online social groups (Tang, Fig.1A, Col.5, lines 1-10, which describes and displays the data and information about workgroups e.g. video images, text strings etc.)

17. As to claim 13, Tang and Lee disclose the invention substantially as in parent claim 1 above, including, wherein the data comprises at least one of a group name associated with the selected group, presence information associated with the selected group, presence information associated with online members of the selected group, and a visual representation of an activity in which one or more online members of the selected group are participating (Tang, Fig.9, Col.10, lines 54-55, where topic represents the group name associated with the selected group, Col.10, lines 51-52, since it is a chat room therefore presence is real time, Col.11, lines 1-3, where selected group member joining the group represents the presence of the user and Fig.5, window 30, Col.10, lines 60-65, represents and displays the members who are part of the discussion group).

18. As to claims 14 and 15, are rejected under for same rationale as applied to claim 13 above. Additionally all the limitations e.g. inviting, calling, sending wink, sending bubble, sending file sharing an image, sharing audio and viewing or monitoring group

history are the core concept of instant messaging and online chatting which are well covered through out the cited references by Tang and Lee and are also well known in the art.

19. As to claim 21, Tang and Lee disclose the invention substantially as in parent claim 1 above, including, wherein the mobile device comprises at least one of a cellular telephone, a personal digital assistant (Lee, Col.6, lines 35-45, where devices are disclosed and further it will be obvious to include the other well known devices in the technology as claimed in the e.g. a car stereo system, a portable television, a portable DVD player, a portable stereo system, a wearable computing device, a watch, a bracelet, a necklace, a pendant, and a digital picture frame).

20. As to claim 22 is rejected for same rationale as applied to claim 1 above.

21. As to claims 24-27, Tang and Lee disclose the invention substantially as in parent claim 23 above, including, wherein the mobile device comprises a cellular telephone (Lee, Col.6, lines 35-45, where devices are disclosed e.g. cell phone and PDA).

22. As to claim 28, Tang and Lee disclose the invention substantially as in parent claim 23 above, including, wherein the sending a communication comprises establishing a peer-to-peer connection between the mobile device and the computing device used by the at least one other user (Tang, Fig.9, abstract, It is further well known in the art that chat session are created in peer-to-peer connection also).

23. Claim 29 is rejected under for same rationale as claim 23 as it is merely a software implementation of claim 23 above.

24. As to claim 31, is rejected under for same rationale as applied to claim 3-5 above.

25. As to claims 33 and 34, is rejected under for same rationale as applied to claims 24 and 25 above.

26. As to claim 36, Tang and Lee discloses the invention substantially as in parent claim 32 above, including, receive a user selection of a graphical element and an audio element (Tang, Fig.5, Col.9, lines 30-35); and

transmit the graphical and audio elements to a group member such that in an event that the group member is online, the graphical and audio elements are automatically presented to the group member (Tang, Fig.5, Col.9, lines 22-32, where audio and video chatting is disclosed).

27. As to claim 37, Tang and Lee discloses the invention substantially, including, a device-specific processor (Tang, Abstract, where computer obviously has a specific processor);

a communication interface configured to establish a connection between the mobile device an another device (Lee, Fig.1, Col.6, lines 35-45, where devices are disclosed as mobile devices connected via network 100 to server 400 or 200); and

a user interface configured to enable a user of the mobile device to participate in an online group interaction with one or more other members of a group (Lee, Fig.1, Col.6, lines 35-45, where mobile device has a user interface and communicating with group members via system 400 or 200).

28. As to claim 38, Tang and Lee discloses the invention substantially as in parent claim 27 above, including, implemented as a cellular telephone (Lee, Col.6, line 45, where Nokia 9000 is a cellular telephone).

29. As to claim 39, is rejected under for same rationale as applied to claim 13 and 15 above.

30. Claims 16-19 and 35 are rejected under 35 U.S.C 103(a) as being unpatentable over Tang and Lee as applied to claims 1-15, 30 and 32 above, in view of Puskala et al. (Pub. No.: US 2002/0165024 A1), hereinafter "Puskala".

31. As to claim 16, Tang and Lee disclose the invention substantially as in parent claim 14 above, including chat capable mobile phones participating in a chat group among non mobile devices (Lee, Fig.1, elements 1300 Col.6, lines 38-45).

Tang and Lee however are silent on explicitly disclosing, wherein the group activities in which a member of the selected group who is logged on via a mobile device may participate comprise a subset of group activities in which a member of the selected group who is logged on via a non-mobile device may participate.

Puskala however discloses, wherein the group activities in which a member of the selected group who is logged on via a mobile device may participate comprise a subset of group activities in which a member of the selected group who is logged on via a non-mobile device may participate (Puskala, Fig.5, 6 and 7, [0030], where chatting between mobile devices are disclosed).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang and Lee as applied to claims 1-15 above with the teachings of Puskala in order to provide a predefined messaging system that can be automated to be sent automatically upon the occurrence of a particular event. The predefined messages on the game or game system allow players to communicate more effectively and make the communication more amusing.

32. As to claims 17, Tang, Lee and Puskala discloses the invention substantially as in parent claim 16 above, including, wherein the non-mobile device comprises a desktop computer system (Puskala, [0004], where PC is a non-mobile device).

33. As to claim 18, Tang and Lee disclose the invention substantially as in parent claim 14 above, including, mobile and on-mobile participating in a chatting group activity (Lee, Fig.1, elements 1300 Col.6, lines 38-45).

Tang and Lee however are silent on disclosing explicitly, wherein the social activities are not available to a group member who is logged on via a non-mobile device.

However, Puskala discloses the similar concept of device oriented specific activities as, wherein the social activities are not available to a group member who is logged on via a non-mobile device (Puskala, [0006], where predefined messages are offered over wireless networks as compared to regular audio/video streaming, internet etc. It will further be obvious to modify the invention with subset of activities to device specific because of device capability).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang and Lee as applied to claims 1-15 above with the teachings of Puskala in order to provide a predefined messaging system that can be automated to be sent automatically upon the occurrence of a particular event. The predefined messages on the game or game system allow players to communicate more effectively and make the communication more amusing.

34. As to claims 19 and 35, are rejected under for same rationale as applied to claim 17 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H. /
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452